



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

AMENDED
FACT SHEET FOR H.B. 2548

~~postsecondary campuses; public forums; activities~~
(NOW: public forums; activities; postsecondary campuses)

Purpose

Allows the Attorney General or a student whose rights were violated to bring an action in court for violations of a student's right to speak and expands the offense of obstructing a highway or public thoroughfare.

Background

Universities and community colleges are prohibited from restricting a student's right to speak, including verbal speech, holding a sign or distributing fliers or other materials, in a public forum. Universities and community colleges may restrict a student's right to speech in a public forum only if it demonstrates that the application of the burden to the student is both the furtherance of a compelling government interest and the least restrictive means of furthering that interest (A.R.S. § 15-1864).

Statute defines *public forum* as any open, outdoor area on the campus of a university or community college and any facilities, buildings or parts of buildings that the university or community college has opened to students or student organizations for expression (A.R.S. § 15-1861).

Statute classifies obstructing a highway or other public thoroughfare as a class 3 misdemeanor if a person, alone or with other persons: 1) recklessly interferes with the passage of any highway or public thoroughfare by creating an unreasonable inconvenience or hazard if the person has no legal privilege to do so; or 2) intentionally activates a pedestrian signal on a highway or public thoroughfare if the person's reason for activating the signal is not to cross but to stop the passage of traffic and solicit a driver for a donation or business (A.R.S. § 13-2906). The maximum penalty for a class 3 misdemeanor is 30 days in jail and up to a \$500 fine. The maximum penalty for a class 1 misdemeanor is six months in jail and up to a \$2,500 fine.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Allows the Attorney General or a student whose expressive rights were violated to bring an action in a court of competent jurisdiction to:
 - a) enjoin any violation of a student's right to speak; or

- b) recover reasonable court costs and reasonable attorney fees.
- 2. Directs the court to award the aggrieved person injunctive relief and reasonable court costs and reasonable attorney fees if the court finds a violation of a student's right to speak occurred.
- 3. Requires a person to bring an action for a violation of a student's right to speak within one year after the date the cause of action accrues.
- 4. Deems each day the violation persists or each day a policy in violation remains in effect a new violation and is considered a day that the cause of action has accrued.
- 5. Modifies the definition of *public forum* to include both a traditional public forum and a designated public forum.
- 6. Expands the offense of obstructing a highway or public thoroughfare to include a person that, after receiving a verbal warning to desist, intentionally interferes with passage on a highway or other public thoroughfare or entrance into a public forum that results in preventing other persons from gaining access to a governmental meeting, a governmental hearing or a political campaign event.
- 7. Classifies this offense as a class 1 misdemeanor.
- 8. Makes technical and conforming changes.
- 9. Becomes effective on the general effective date.

Amendments Adopted by Committee of the Whole

- 1. Expands the offense of obstructing a highway and classifies the expanded offense as a class 1 misdemeanor.
- 2. Specifies a student, rather than a person, may bring a court action.
- 3. Removes, as a clarifying change, the ability for the Attorney General to bring a court action to recover compensatory damages.

House Action

ED	2/17/16	DPA/SE	7-0-0
3 rd Read	3/2/16		42-16-2

Senate Action

ED	3/10/16	DP	4-2-1
JUD	3/30/16	W/D	

Prepared by Senate Research
April 19, 2016
CB/ljs